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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,157	01/29/2001	Edward F. Tokas	IR-2588(ET)CIP	8701

7590

07/25/2006

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,157

Applicant(s)

TOKAS ET AL.

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-33, 49 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 6 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made without traverse in the replies filed on 12-12-2003 and 7-28-2004.
3. Claims 1-5, 7, 10, 16-21, 26-32, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 424833 to Goodall et al. taken in view of Suzuki et al. (US 5,137,785) as applied in the last office action.
4. Claims 11-15, 22-25 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 424833 to Goodall et al. taken in view of Suzuki et al. (US 5,137,785) as applied above, and further in view of the admitted state of the prior art as applied in the last office action.
5. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note the prior office actions.

6. Applicant's arguments filed May 11, 2006 have been fully considered but they are not persuasive (the 35 USC 112 rejection has however been withdrawn in view of the amendments to the claim).

With respect to the prior art rejection, applicant has argued that

"neither Goodall or Suzuki teach or suggest the step of contacting the fibrous substrate ... with a second substrate article surface. Both Goodall and Suzuki

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relate to metathesis reactions within a mold. Applicant amended independent claims 1 and 21 in the previous response to articulate the point that the presently claimed invention relates to bonding a fibrous article to a second substrate article surface. This implies that both the fibrous article and the second substrate article were in existence prior to application of the metathesis material on the fibrous substrate. In Suzuki, the second substrate is placed in a mold and the metathesizable material is introduced therein. Thus, Suzuki cannot be said to teach the bonding of two articles. Rather, Suzuki teaches the formation and bonding of one layer onto a preexisting layer. One feature of the present invention is the ability to bond a fibrous substrate to a second substrate outside of a molding operation. This allows bonding of an elastomer substrate to the fibrous article after the elastomer has been cured, which cannot be accomplished through the teachings of Goodall and/or Suzuki." (emphasis in original)

This argument has been carefully considered but is unpersuasive. While it is not disputed that these references relate to reactions that occur in a mold, it is not considered that anything in the present claims defines over this. The second substrate article surface in Suzuki et al. is the surface of the surface layer(s) that are taught to be desirably bonded to the surface of a metathesizable polymer substrate, the bond being effected by the metathesis polymerization. Following these teachings, it is again submitted that to provide a molded reinforced article as in EP '833 (i.e. analogous to what is termed the "substrate" in Suzuki et al.) *with the desirable surface layers* ("second substrate") *taught by Suzuki et al.*, these being formed in situ by first positioning the surface layer(s) in the mold, would have been obvious. In such case, the fibrous substrate article (e.g. a fiber mat) of EP '833 would be bonded to the surface layer(s), bonding occurring by the metathesizable material therebetween as claimed. Note also that Suzuki et al. even contemplates that the substrate to which the surface layers are bonded can include various reinforcing materials in the form of fibers (e.g. col. 5, lines 62+), much as in the EP '833 reinforced material, and further that the

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molding process is inclusive of the metathesizable material flowing around the reinforcing materials (e.g. col. 6, lines 39-45), also much as in EP '833. Thus, again, forming a laminated composite using the basic reinforced material of EP '833 as the core and the surfacing technique as taught by Suzuki et al. would have been obvious, would lead to a desirable surfaced composite material and would lead to processing consistent with the present claims and applicant has not convincingly established otherwise.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
July 23, 2006